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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,225	06/20/2003	Glenn W. Kramer	NWP001/141525	9785
23444	7590	07/13/2005	EXAMINER	
ANDREWS & KURTH, L.L.P. 600 TRAVIS, SUITE 4200 HOUSTON, TX 77002			SHERR, CRISTINA O	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/600,225	Applicant(s) KRAMER ET AL	
	Examiner Cristina Owen Sherr	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This communication is in response to the application filed June 20, 2003. Claims 1-8 have been examined in this case.

Priority

2. This application is based upon provisional application 60/390,454 filed on 06/21/2002, the priority of which is claimed.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US 6,732,180) in view of "Opinion: Peer-to-Peer Terror" (Derek Martin, www.shift.com).

6. Regarding claim 1 –

Hale discloses a method of disrupting illegal copying of a copyrighted work over the Internet comprising the steps of: storing a characteristic of a copyrighted work to be protected in a first database, searching the Internet for the presence of said

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characteristic in a stored work in computer linked to the internet, downloading by at least one agent computer said stored work from said computer linked to the Internet, verifying that said stored work is a copy of said copyrighted work (e.g. col 3 ln 50 – col 4 ln 50).

7. Hale does not disclose, but martin does, scheduling multiple downloads by said at least one agent computer of said stored work from said Internet site (e.g. pg 3).

8. It would be obvious to one of ordinary skill in the art to combine the teachings of Martin and Hale as they belong to the same area of art and would be a way to increase security of copyrighted material.

9. Regarding claim 2 –

Hale discloses the method of claim 1 further comprising the steps of, logging into a second database the location of the Internet protocol address of said stored work and the time and the date when said stored work was downloaded by said at least one agent computer, and storing said downloaded stored work from said Internet site into said second database. (e.g. col 4 ln 1-20).

10. Regarding claim 3 –

Martin discloses the method comprising the step of frequently changing the internet protocol address of said at least one agent computer. (e.g. pg 4).

11. Regarding claim 4 –

Hale discloses a method of disrupting illegal copying of a copyrighted work over the Internet comprising the steps of, creating a decoy file of a copyrighted work to be protected, storing said decoy file in at least one decoy computer, registering a plurality

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of Internet protocol addresses of said decoy file of said at least one decoy computer on a file sharing system as a host to provide said copyrighted work for downloading (e.g. col 3 ln 50 – col 4 ln 50).

12. Martin discloses and returning an indicator that said copyrighted work is not available for transfer from said decoy computer when a request for transfer of a copyrighted work is requested (e.g. pg 3).

13. It would be obvious to one of ordinary skill in the art to combine the teachings of Martin and Hale as they belong to the same area of art and would be a way to increase security of copyrighted material.

14. Regarding claim 5 –

Hale discloses an apparatus for disrupting illegal copying of a copyrighted work over the internet comprising, a first database for storing a characteristic of a copyrighted work to be protected, a search engine linked to said first database for searching computers linked to the internet for the presence of an internet site with a stored work having said characteristic said copyrighted work, at least one agent computer for downloading said stored work from said internet site, comparing said stored work to said copyrighted work to determine if said stored work is a copy, (e.g. col 3 ln 50 – col 4 ln 50).

15. Martin discloses a scheduler linked to said at least one agent computer for directing said at least one agent computer to download said stored work from said internet site (e.g. pg 3).

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16. It would be obvious to one of ordinary skill in the art to combine the teachings of Martin and Hale as they belong to the same area of art and would be a way to increase security of copyrighted material.

17. Regarding claim 6 –

Hale discloses an apparatus as in claim 5 further comprising, a second database for storing information about said internet site (e.g. col 4 ln 20-30).

18. Regarding claim 7 –

Hale discloses at least one decoy computer having a decoy file of said copyrighted work, said one decoy file location registered with a file sharing system as having said copyrighted work available for downloading (e.g. col 4 ln 25-35).

19. Regarding claim 8 –

Martin discloses an apparatus as in claim 5 wherein said at least one agent computer is adapted to change its internet protocol address frequently (e.g. pg. 5).

20. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

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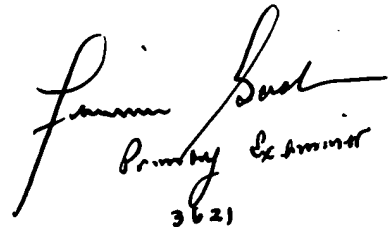
21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. "Anti-P2P Bill: Trust Us, RIAA Says (The Online Reporter (October 7-11, 2002 – Issue 317, www.onlinereporter.com)).

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Primary Examiner
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